

THURSDAY, MARCH 26, 1992

SEVENTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Lynn Eagan, Morris Memorial Baptist Church, Moscow, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Garrett; due to illness.

Representative Turner (Hamilton).

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 26, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Monday, March 30, 1992: House Bill(s) No(s). 2346 and 2278.

We have also set the following bills on the **Regular Calendar** for **Wednesday, April 1, 1992**: House Bill(s) No(s). 2269, 2447, 2594, 2183, 2118 and 1934.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 30, 1992**: House Bill(s) No(s). 2527, 2344 and 2564.

PHILLIPS, Chair.

RULES SUSPENDED

Rep. Bivens moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 418 out of order, which motion prevailed.

Senate Joint Resolution No. 0418 -- Memorials, Government Officials -- Urges support for 1996 Olympic Games Whitewater Events to be on Ocoee River.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bivens, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Whitson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 416 out of order, which motion prevailed.

Senate Joint Resolution No. 0416 -- Memorials, Recognition and Thanks -- Hank Johnson.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Whitson, the resolution was concurred in.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1645** -- Aircraft and Airports -- Requires certain local governments to implement certain zoning measures. Same as *HB 601. Amends TCA, Title 42, Ch. 6.

On motion, House Bill No. 1645 was made to conform with Senate Bill No. 900.

On motion, **Senate Bill No. 900**, on same subject, was substituted for House Bill No. 1645.

Rep. Rhinehart moved that **Senate Bill No. 900** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 900 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a metropolitan form of government and having a population greater than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart moved that **Senate Bill No. 900**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	0
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Callicott, Herron, McKee, Odom, Williams (Union) -- 5.

A motion to reconsider was tabled.

House Bill No. 2534 -- Personal Property -- Establishes new

policy relative to sale of confiscated property; conforms sale to same procedure as sale of surplus property. Amends TCA, Title 12, Ch. 2.

Rep. Purcell moved that **House Bill No. 2534** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2291 -- County Government -- Removes exemption for owner occupied residences for use of weed control removal process and attachment of lien. Amends TCA 5-1-115.

Rep. Wood moved that House Bill No. 2291 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2291 by renumbering Section 2 as Section 3, and by inserting the following new Section 2:

SECTION 2. Tennessee Code Annotated, Section 5-1-115, subsection (c)(1), is amended by adding at the end of the second sentence of said subsection the following words and punctuation:

when the county causes a notice thereof to be filed in the office of the register of deeds of the county in which the property lies, second only to liens of the state, county and municipality for taxes, any lien of

the county for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice; such notice shall identify the owner of record of the real property, contain the property address, describe the property sufficient to identify it, and recite the amount of the obligation secured by the lien.

On motion, Amendment No. 1 was adopted.

Rep. Wood moved that House Bill No. 2291, as amended, be reset one week to the Calendar for April 2, 1992, which motion prevailed.

MESSAGE FROM THE SENATE
March 26, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1325, 1676, 1780, 1907, 2398, 2420, 2593 and 2607; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1325 -- Guardianship -- Revises guardianship and conservatorship statutes. Amends TCA, Title 34. by *Kyle, *Greer, *Haynes.

***Senate Bill No. 1676** -- AIDS and STDs -- Creates offense of criminal transmission of HIV; creates affirmative defense that person exposed knew that the infected person was infected with HIV, knew action could result in infection and consented to action; establishes offense as Class C felony. Amends TCA, Title 39, Ch. 13, Pt. 1. by *Crowe, *Person, Springer.

***Senate Bill No. 1780** -- Collection Agencies -- Authorizes assignment of claim for collection. Amends TCA, Title 62, Ch. 20. by *Person, McKnight.

***Senate Bill No. 1907** -- Sunset Laws -- Board of dietitian/nutritionist examiners, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 25; Title 68, Ch. 11. by *Hicks.

***Senate Bill No. 2398** -- Budget Procedures -- Establishes criteria for publication of annual county operating budget and budgetary comparisons. Amends TCA 5-8-507; Title 6, Ch. 2, Pt. 1; Title 6, Ch. 22, Pt. 1; Title 6, Ch. 35, Pt. 3. by *Henry, *McNally.

***Senate Bill No. 2420** -- Crime, Victims of -- Transfers moneys contained in victims of drunk drivers' compensation fund to criminal injuries compensation fund for purpose of providing sufficient funds to all eligible crime victims. Amends TCA 29-13-101, 104, 109, 111, 112, 116, 40-24-107, 67-4-606. by *Kyle, *Henry, *Burks, Jordan.

***Senate Bill No. 2593** -- Education, Higher -- Creates postsecondary educational institution oversight committee under THEC. Amends TCA 49-7-207; Title 49, Ch. 7, Pt. 20. by *Albright, *et al.

Senate Bill No. 2607 -- Madison County -- Authorizes election commission to use computerized method of storing duplicate voter registration records. by *McKnight.

REGULAR CALENDAR, CONTINUED

House Bill No. 1778 -- Sunset Laws -- Board of dietitian/nutritionist examiners, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 25; Title 68, Ch. 11.

On motion, House Bill No. 1778 was made to conform with Senate Bill No. 1907.

On motion, **Senate Bill No. 1907**, on same subject, was substituted for House Bill No. 1778.

Rep. King moved that **Senate Bill No. 1907** be passed on third and final consideration.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 1.

Rep. King moved that **Senate Bill No. 1907** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	6

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Joyce Kernell, McAfee, Robinson (Davidson), Shirley, Tullos -- 6.

A motion to reconsider was tabled.

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House Bill No. 2375 -- Bail, Bail Bonds -- Increases maximum amount bondsmen required to pay from \$500 to \$1,000 when persons covered under bond fail to appear in court as scheduled. Amends TCA 40-11-145, 146.

On motion, House Bill No. 2375 was made to conform with Senate Bill No. 2451.

On motion, **Senate Bill No. 2451**, on same subject, was substituted for House Bill No. 2375.

Rep. Buck moved that Senate Bill No. 2451 be reset to the Calendar for Monday, March 30, 1992, which motion prevailed.

House Bill No. 2351 -- Education, Higher -- Applies College and University Security Information Act to only those institutions operating own security forces. Amends TCA, Title 49, Ch. 7, Pt. 22.

Rep. Buck moved that **House Bill No. 2351** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	82
Noes.	13

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Armstrong, Callicott, Chumney, DeBerry, Haley, Harrill, Herron, Liles, Nuber, Shirley, Sipes, Tullos, Turner (Shelby) -- 13.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Bill No. 2351 and have this statement entered in the Journal.

Rep. Michael Kernell

REGULAR CALENDAR, CONTINUED

House Bill No. 2378 -- Appropriations -- Requires judicial branch budget and appropriations bill be separate to include district attorney general and public defender; requires funding of judicial branch no less than 1990-1991 fiscal year.

Rep. Buck moved that House Bill No. 2378 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2378 by deleting SECTION 4 in its entirety and by renumbering the remaining section accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2378 by deleting the amendatory language of SECTION 1 in its entirety and substituting instead the following:

The executive secretary shall prepare a budget for the operation of the court system. The district attorneys general and the district public defenders shall prepare their budgets and transmit them to the executive secretary. The executive secretary shall then submit the budget for the court system, and, without alteration, the budgets for the district attorneys general and the district public defenders to both houses of the general assembly. The executive secretary shall also submit an appropriations bill authorizing all expenditures necessary for implementation of the budgets of the court system, the district attorneys general and the district public defenders.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that House Bill No. 2378, as amended, be reset one week to the Calendar for Wednesday, April 1, 1992, which motion prevailed.

House Bill No. 2550 -- County Officers -- Authorizes county executive to appoint temporary successor if absent 21 days or more, successor to be chosen from county employees and upon approval of county legislative body; prohibits members of county legislative body and relatives from seeking position. Amends TCA 5-5-103.

Rep. Robinson (Washington) moved that House Bill No. 2250 be reset two weeks to the Calendar for April 9, 1992, which motion prevailed.

***House Bill No. 2286** -- Education -- Adds electrology schools to schools exempt from licensing requirements of Postsecondary Education Act of 1974. Amends TCA 49-7-2004.

Rep. Odom moved that House Bill No. 2286 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	8
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Chiles, Hassell, Haun, Hill, Joyce Meyer, Nuber, Tullos -- 8.

Representatives present and not voting were: Rigsby, Sipes -- 2.

A motion to reconsider was tabled.

House Bill No. 2172 -- Metropolitan Government -- Permits Davidson County council to remove board member of metropolitan agency from office for good cause upon two-thirds vote of members, rather than three fourths as previously required. Amends TCA 7-2-108.

Rep. West moved that House Bill No. 2172 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Givens, Joyce Williams (Union) -- 3.

A motion to reconsider was tabled.

House Bill No. 2349 -- Criminal Offenses -- Revises classification of prior felony offenses by addition of first, second and third degree criminal sexual conduct, which would be classified as Class A, B and D felonies, respectively. Amends TCA 40-35-118.

Rep. Hargrove moved that House Bill No. 2349 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Love moved the previous question, which motion prevailed.

Rep. Hargrove moved that **House Bill No. 2349** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington),

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Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

***House Bill No. 1746** -- Education -- Establishes 1990-1991 school year as base for maintenance of local financial support for education. Amends TCA 49-2-203, 49-3-314.

On motion, House Bill No. 1746 was made to conform with Senate Bill No. 1794.

On motion, **Senate Bill No. 1794**, on same subject, was substituted for House Bill No. 1746.

Rep. Hargrove moved that **Senate Bill No. 1794** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Hargrove moved that **Senate Bill No. 1794** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	2
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullios, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Callicott, Joyce -- 2.

Representatives present and not voting were: Hubbard, Purcell, Sipes, Venable -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1794 and have this statement entered in the Journal.

Rep. John Bragg

REGULAR CALENDAR, CONTINUED

House Bill No. 2361 -- Professions and Occupations -- Defines certain terms pertaining to industrial hygiene; provides for registration of industrial hygienists; prohibits state agencies from prohibiting or restricting, by rule, practice of industrial hygiene by duly registered industrial hygienists. Amends TCA, Title 4, Ch. 3, Pt. 14; Titles 62, 63.

On motion, House Bill No. 2361 was made to conform with Senate Bill No. 2476.

On motion, Senate Bill No. 2476, on same subject, was substituted for House Bill No. 2361.

Rep. Peroulas Draper moved that Senate Bill No. 2476 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Peroulas Draper moved that Senate Bill No. 2476 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

House Bill No. 2431 -- Alcoholic Beverages -- Authorizes liquor by drink referendum in any jurisdiction authorized to conduct package sales referendum. Amends TCA 57-3-106, 57-4-103.

Rep. Head moved that **House Bill No. 2431** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	60
Noes.	26
Present and not voting.	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Fowlkes, Givens, Hargrove, Hassell, Haun, Head, Hill, Hillis, Hubbard, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Liles, Love, McKee, Meyer, Moore, Niceley, Nuber, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Tullos, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Anderson, Buck, Cross, Ferguson, Gunnels, Haley, Halteman, Herron, Holcomb, Holt, Huskey, Joyce, Knight, McAfee, McDaniel, Napier, Phillips, Ridgeway, Rinks, Sipes, Stamps, Walley, Williams (Union), Windle, Winningham, Wood -- 26.

Representatives present and not voting were: Johnson, Odom -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to present not voting on House Bill No. 2431 and have this statement entered in the Journal.

Rep. Doug Jackson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on House Bill No. 2431 and have this statement entered in the Journal.

Rep. Phillip Pinion

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 2431 and have this statement entered in the Journal.

Rep. Robert McKee

REGULAR CALENDAR, CONTINUED

House Bill No. 1768 -- Medical Occupations -- Revises authority of physician assistants; provides penalties for physicians who wrongfully use services of physician assistant. Amends TCA, Title 63, Chs. 9, 19.

On motion, House Bill No. 1768 was made to conform with Senate Bill No. 1825.

On motion, **Senate Bill No. 1825**, on same subject, was substituted for House Bill No. 1768.

Rep. Bivens moved that **Senate Bill No. 1825** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1825 by deleting from the amendatory language of Section 5 the word "service" wherever such word appears and by substituting instead the words "osteopathic medical service".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bivens moved that **Senate Bill No. 1825**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2191 -- Boats, Boating -- Requires boat operator to file accident report when injury or damage in excess of \$500; allows wildlife officer in boating accident to arrest person without warrant where probable cause exists. Amends TCA 69-10-216, 220, 69-20-210.

On motion, House Bill No. 2191 was made to conform with Senate Bill No. 1771.

On motion, **Senate Bill No. 1771**, on same subject, was substituted for House Bill No. 2191.

Rep. Odom moved that **Senate Bill No. 1771** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 0991 -- Physicians and Surgeons -- Extends license renewal time from sixty to ninety days. Amends TCA, Titles 63, 68.

On motion, House Bill No. 991 was made to conform with Senate Bill No. 302.

On motion, **Senate Bill No. 302**, on same subject, was substituted for House Bill No. 991.

Rep. Chiles moved that **Senate Bill No. 302** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 302 by deleting Sections 1 and 2 of the bill and substituting the following language:

SECTION 1. Tennessee Code Annotated, Section 63-6-219, is hereby amended for the purpose of clarifying the law's original legislative intent. Tennessee Code Annotated, Section 63-6-219 shall be titled "The Tennessee Peer Review Law of 1967".

SECTION 2. Tennessee Code Annotated, Section 63-6-219(a), is amended by relettering the section as 219(b), and relettering the remaining sections of 219 as (c), and (d), respectively. Additionally, the following language is added as a new subsection (a) to Section 63-6-219:

63-6-219 LEGISLATIVE POLICY DECLARATION. (a)(1) In conjunction with the applicable policies of the Health Care Quality Improvement Act of 1986 (42 USC §§11101 to 11152), it is the stated policy of Tennessee to encourage committees made up of Tennessee's licensed physicians to candidly, conscientiously, and objectively evaluate and review their peers' professional conduct, competence, and ability to practice medicine. Tennessee further recognizes that confidentiality is essential both to effective functioning of these peer review committees and to continued improvement in the care and treatment of patients.

(a)(2) As incentive for the medical profession to undertake professional review, including the review of health care costs, peer review committees must be protected from liability for their good faith efforts. To this end, peer review committees should be granted certain immunities relating to their actions undertaken as part of their responsibility to review, discipline, and educate the profession. In instances of peer review committees examining the appropriateness of physicians' fees, this immunity must also extend to restraint of trade claims under Title 47, Chapter 25.

SECTION 3. Tennessee Code Annotated, Section 63-6-219(a), relettered as Section 219(b), shall be amended to include the following definitional phrase and punctuation immediately after the phrase "medical review

committee" in the first sentence: ", peer review committee,". Additionally, the following phrase shall be added immediately after the clause "local professional association or society" in the first sentence: "including impaired physician peer review committees, programs, and their staff personnel,".

SECTION 4. Tennessee Code Annotated, Section 63-6-219(c), relettered as 219(d), is amended by adding the following language after the second sentence:

One proper function of such committees shall include advocacy for physicians before other medical peer review committees, peer review organizations, health care entities, private and governmental insurance carriers, national or local accreditation bodies, and the state board of medical examiners of this or any other state. The disclosure of confidential, privileged peer review committee information to such entities during advocacy, or as a report to the board of medical examiners under T.C.A. §63-6-214(d), or to the affected physician under review shall not constitute either a waiver of confidentiality or privilege.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Chiles moved that **Senate Bill No. 302**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2238 -- Civil Service -- Requires that advance notice of civil service entrance exams be provided to Tennessee's historically black colleges and universities; requires that civil service test advertisements in the four major counties must also be published in African-American newspapers. Amends TCA, Title 8, Ch. 30, 49-2-203.

On motion, House Bill No. 2238 was made to conform with Senate Bill No. 2030.

On motion, **Senate Bill No. 2030**, on same subject, was substituted for House Bill No. 2238.

Rep. Armstrong moved that **Senate Bill No. 2030** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2341 -- Housing -- Establishes that housing authority employment not be deemed same as employment by municipality or city. Amends TCA, Title 13, Ch. 20.

Rep. Armstrong moved that House Bill No. 2341 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2341 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than 320,000 nor more than 480,000 according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Armstrong moved that **House Bill No. 2341**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2366** -- Energy -- Requires operator of high-voltage line to notify owner of line of work plans. Same as SB 2520. Amends TCA 68-21-105.

Further consideration of House Bill No. 2366, previously considered on March 25, 1992, at which time Amendments Nos. 1 and 2 were adopted and the bill was reset to the Calendar for March 26, 1992.

Rep. Haley moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2366 by inserting the language "county and municipal governments," between the words and punctuatin [sic] "television companies," and the words "and their employees" in subsection (e) added by House Amendment No. 2.

On request of Rep. Haley, Amendment No. 3 was moved to the heel of the Amendments.

Rep. Jackson moved to amend as follows:

Amendment No. 4

Amend House Bill No. 2366 by adding the following new subsection:

() Notwithstanding the provisions of this act to the contrary, a utility company shall remain liable to an injured party for running high power lines over private property in violation of any existing codes or regulations governing high power lines, regardless of whether notice has or has not been given pursuant to this section.

On request of Rep. Jackson, Amendment No. 4 was moved behind Amendment No. 5.

Rep. Buck moved to amend as follows:

Amendment No. 5

AMEND House Bill No. 2366 by deleting subsection (b) in its entirety and substituting instead the following:

(b) To satisfy the requirements for the notice to the operator of a high-voltage line as required in the preceding subsection (a), the owner, agent or employer responsible for the operations of equipment shall provide reasonable notice to such operator prior to the commencement of work. The utility company may require that such owner, agent or employer provide such company with written notice of the work to be performed at least 5 days prior to commencement of such work.

FURTHER AMEND by deleting from subsection (d) as amended by Commerce Committee Amendment 1 the words "sole proximate cause" and substituting instead the words "proximate cause as provided by law".

Rep. Rhinehart moved to amend as follows:

Amendment No. 1 to Amendment No. 5

Amend House Bill No. 2366 by inserting in subsection (b) of Section 1 as amended between the words "at least 5 days" and "prior to commencement" the words "but no more than 30 days".

Rep. Buck moved that House Bill No. 2366 be reset to the next available space on the next available calendar.

Rep. Rhinehart moved to table the motion to reset House Bill No. 2366, which motion failed by the following vote:

Ayes.	29
Noes.	57
Present and not voting.	4

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Representatives voting aye were: Anderson, Bittle, Bivens, Callicott, Cole, Curlee, Davis (Cocke), DeBerry, Duer, Givens, Harrill, Head, Huskey, Kent, King, Kisber, Moore, Phillips, Pinion, Rhinehart, Rigsby, Rinks, Severance, Shirley, Turner (Shelby), Whitson, Windle, Winningham, Wix -- 29.

Representatives voting no were: Armstrong, Arriola, Buck, Byrd, Chumney, Clark, Coffey, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kernell, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Niceley, Odom, Peroulas Draper, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Washington), Sipes, Stamps, Tullos, Venable, Walley, West, Williams (Shelby), Williams (Union), Wood -- 57.

Representatives present and not voting were: Bragg, Hillis, Robinson (Hamilton), Tindell -- 4.

Thereupon, Rep. Buck renewed the motion and House Bill No. 2366 was reset to the Regular Calendar for Monday, March 30, 1992, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Pinion moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 410 out of order, which motion prevailed.

Senate Joint Resolution No. 0410 -- Memorials, Government Officials -- Urges TWRA to reconsider prohibition of taking certain turtles from Reelfoot Lake; urges Department of Health to reconsider prohibition on sale of certain turtles within state. by *Hamilton.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Pinion, the resolution was concurred in.

A motion to reconsider was tabled.

**MESSAGE FROM SENATE
March 26, 1992**

MR. SPEAKER: I am directed to request the return of House Bill No. 2805, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

BILLS WITHDRAWN

On motion of Rep. Bivens, House Bill No. 2451 was recalled from the Transportation Committee.

On motion of Rep. Bivens, House Bill No. 2451 was withdrawn from the House.

On motion of Rep. Ridgeway, House Joint Resolution No. 584 was recalled from the State and Local Government Committee.

On motion of Rep. Ridgeway, House Joint Resolution No. 584 was withdrawn from the House.

RULES SUSPENDED

Rep. Hillis moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 593 can be heard by the Conservation and Environment Committee on Wednesday, April 1, 1992, which motion prevailed.

RULES SUSPENDED

Rep. Hillis moved to suspend Rule No. 59 to allow House Joint Resolution No. 571 lying on the desk with a Senate Message be called up at this time for immediate consideration, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

*House Joint Resolution No. 0571 -- Naming and Designating -- Commissioner W.D. "Bill" Manning, administration building, West Tennessee Veterans Cemetery. by *Hillis, *Knight, *Haley, *Kent, *Bell, *Cole, *Crain, *Givens, *Cross, *Bittle.

Senate Amendment No. 1

AMEND House Joint Resolution No. 571 by adding the following new language between the seventeenth (17th) and eighteenth (18th) WHEREAS clauses:

WHEREAS, totally dedicated to furthering the causes of his fellow veterans, Commissioner Manning is also a life member of Humboldt Veterans of Foreign Wars Post No. 4728 and a member of Bradford American Legion Post No. 71; and

Rep. Hillis moved that the House concur in Senate Amendment(s) No(s). 1 to House Joint Resolution No. 571, which motion prevailed.

BILL WITHDRAWN

Rep. Rhinehart moved that **House Bill No. 2198** be withdrawn from the House, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2170: Rep(s). Davis (Cocke) as prime sponsor(s).

House Bill No. 2291: Rep(s). Liles as prime sponsor(s).

House Bill No. 2341: Rep(s). Bittle as prime sponsor(s).

House Bill No. 2361: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 2475: Rep(s). Cole as prime sponsor(s).

House Bill No. 2662: Rep(s). Fowlkes, Halteman and Jackson as prime sponsor(s).

House Bill No. 2706: Rep(s). Clark as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Kernell was removed as sponsor of **House Bill No. 1778**.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0173 -- Memorials, Recognition and Thanks -- Bridgett L. Jennings. by *Knight.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0596** -- General Assembly, Confirmation of Appointment -- Michael D. Martin, State Forestry Commission. by *Purcell, *Hillis, *Davis Ray, *Rinks.

Referred by the Speaker to the Agriculture Committee.

***House Joint Resolution No. 0597** -- General Assembly, Confirmation of Appointment -- Ed Porter, Tennessee Forestry Commission. by *Purcell, *Hillis, *Davis Ray.

Referred by the Speaker to the Agriculture Committee.

House Joint Resolution No. 0598 -- Memorials, Death -- Kenneth K. Coffman. by *West.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0599 -- Naming and Designating -- Arbor Day, April 10, 1992. by *Holcomb.

Referred by the Speaker to the State and Local Government Committee.

***House Joint Resolution No. 0600** -- Memorials, Professional and Business Achievement -- City of Ripley, Recipient of Governor Three Star Award and the Economic and Cultural Honors Award.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0601** -- General Assembly, Confirmation of Appointment -- Nancy Kotz, State Certification Commission. by *Purcell, *Davidson, *Peroulas Draper.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0602** -- General Assembly, Confirmation of Appointment -- Sarah Cooper, State Certification Commission. by *Purcell, *Davidson, *Head, *Knight.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0603** -- General Assembly, Confirmation of Appointment -- Norma Nutter, State Certification Commission. by *Purcell.

Referred by the Speaker to the Education Committee.

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***House Joint Resolution No. 0604** -- General Assembly, Confirmation of Appointment -- Katie Harris, State Certification Commission. by *Purcell, *Davidson, *Turner L, *Williams K.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0605** -- General Assembly, Confirmation of Appointment -- Yvonne Griggs Allen, State Certification Commission. by *Purcell, *Walley, *Davidson.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0606** -- General Assembly, Confirmation of Appointment -- Lucille Carter Seibert, State Certification Commission. by *Purcell, *Liles, *Callicott, *Davidson.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0607** -- General Assembly, Confirmation of Appointment -- Jan Huffman, State Certification Commission. by *Purcell, *Naifeh, *Davidson.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0608** -- General Assembly, Confirmation of Appointment -- Minnie Bommer, State Board of Education. by *Purcell, *Naifeh, *Davidson.

Referred by the Speaker to the Education Committee.

***House Joint Resolution No. 0609** -- General Assembly, Confirmation of Appointment -- Buddy McMillin, State Certification Commission. by *Purcell, *Kisber, *Sipes, *Davidson.

Referred by the Speaker to the Education Committee.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 2818, 2819, 2820, 2821 and 2822, was/were referred to the Delayed Bills Committee.

***House Bill No. 2818** -- Sunset Laws -- State election commission, June 30, 2000. Amends TCA, Title 2; Title 4, Ch. 29. by *King, *Kernell.

***House Bill No. 2819** -- Sunset Laws -- University of Tennessee board of trustees, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 9. by *King, *Kernell.

***House Bill No. 2820** -- Sunset Laws -- Insurance committee, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 27. by *King, *Kernell.

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***House Bill No. 2821** -- Sunset Laws -- State Building Commission, June 30, 2000. Amends TCA, Title 4. by *Kernell.

***House Bill No. 2822** -- Purchasing -- Revises conflict of interest law in Anderson County. Amends TCA 12-4-101. by *Coffey, *Williams M.

**REPORT OF DELAYED BILLS COMMITTEE
March 19, 1992**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2814 and 2816.

Jimmy Naifeh, Speaker
Bill Purcell
John Chiles

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2815 -- McLemoresville -- Changes election date of mayor and aldermen; changes term from two to four years. Amends Chapter 507, Private Acts of 1949, as amended. by *Herron.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 2812 -- Montgomery County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2813 -- Cheatham County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
March 26, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 30 1992:** House

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Resolution(s) No(s). 173; also, House Joint Resolution(s) No(s). 600.

PHILLIPS, Chair.

ENROLLED BILLS

March 26, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2260, 2801, 2807, 2808 and 2810; also, House Resolution(s) No(s). 151; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 26, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 2260, 2801, 2807, 2808 and 2810; also, House Resolution(s) No(s). 151.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2280; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2280** -- County Government -- Removes exemption for owner occupied residences for use of weed control removal process and attachment of lien. Amends TCA 5-1-115. by *Crutchfield.

ENGROSSED BILLS

March 26, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2172, 2286, 2349, 2351, 2431 and 2534; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 946; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 26, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 529, 566, 568, 570, 572, 574, 576, 577, 578 and 587; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

March 26, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2341; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

March 26, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 529, 566, 568, 570, 572, 574, 576, 577, 578 and 587; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 26, 1992

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 529, 566, 568, 570, 572, 574, 576, 577, 578 and 587.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 402, 403, 407, 411, 412 and 413; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0402 -- Memorials, Sports -- Harpeth High School Marching "Band of Blue". by *Haynes, Springer.

Senate Joint Resolution No. 0403 -- Memorials, Death -- Ella Mae Jackson Brown. by *Ford.

Senate Joint Resolution No. 0407 -- Memorials, Death -- Chancellor Allen Kidwell of Oak Ridge. by *McNally, *O'Brien.

Senate Joint Resolution No. 0411 -- Memorials, Sports -- Coach Dorsey Sims, TSSAA Hall of Fame. by *Cohen, *Person, Kyle, Davis E.

Senate Joint Resolution No. 0412 -- Memorials, Death -- Paul Athley, Sevier County Clerk. by *Koella.

***Senate Joint Resolution No. 0413** -- General Assembly, Statement of Intent or Position -- Encourages Tennesseans to "Buy Tennessee". by *Henry, Cooper, Kyle.

MESSAGE FROM THE SENATE

March 26, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1716, 2382, 2434, 2455 and 2531; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1716** -- State Government -- Enacts "State Government Quality Improvement Act of 1992". by *Cohen, *Crowe, *Gilbert.

***Senate Bill No. 2382** -- Zoning -- Removes specific authority of metropolitan government to order demolition of unoccupied buildings which are in disrepair or are in violation of municipal code. Amends TCA 7-3-305. by *Harper.

***Senate Bill No. 2434** -- Holidays -- Designates January 30 of each year as a day of special observance, to be known as "Franklin D. Roosevelt Day" to honor his initiation of the Tennessee Valley Authority. Amends TCA, Title 15. by *McKnight, *Crutchfield, Darnell, Burks, Hamilton.

***Senate Bill No. 2455** -- Utilities, Utility Districts -- Requires grievance of final action of commissioners in utility dispute to obtain review by written request to utility management review board instead of circuit court; requires hearing be conducted by board. Amends TCA 7-82-402, 8-82-702. by *Albright.

***Senate Bill No. 2531** -- General Services, Dept. of -- Requires commissioner to develop policy governing vans and state employee use of van priority parking. Amends TCA 4-8-206. by *Darnell.

BILL RETURNED

There being no objection, Rep. Collier directed the Clerk to return House Bill No. 2085 to the Senate, as requested.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones, U (Shelby), Joyce Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, March 30, 1992.